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2495.12 PCT

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PAUL E. GREEN, JR.

Application No.: 09/673,908

PCT/US99/07389

Filed: April 23, 1999

For: METHODS AND APPARATUS
 FOR SELECTIVE ATTENUA-
 TION IN AN OPTICAL
 COMMUNICATION USING

ELECTROCHROMIC MATERIAL : January 18, 2001

Commissioner for Patents
 Box PCT
 Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING
 REQUIREMENTS UNDER 35 U.S.C. 371 IN THE
 UNITED STATES DESIGNATED/ELECTED OFFICE AND
PETITION FOR EXTENSION OF TIME

01/23/2001 NGUYEN 00000087 09673908

01 FC:115 Sir: 110.00 OP
 02 FC:154 130.00 OP

Applicant petitions to extend the time for
 response to the NOTIFICATION OF MISSING REQUIREMENTS dated
 November 22, 2000 to January 22, 2001. A check in the
 amount of \$110.00 for payment of the extension fee is
 enclosed. Please charge any additional fee required for
 the extension, and credit any overpayment, to Deposit
 Account 06-1205.

In response to the NOTIFICATION OF MISSING REQUIREMENTS mailed November 23, 2000 enclosed please find an executed Declaration/Power of Attorney form, together with the surcharge fee of \$130.00. Also enclosed is a copy of the NOTIFICATION OF MISSING REQUIREMENTS.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1205.

Please change the attorney Docket No. from "2495.14PCT" to --2495.12PCT--.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 25,823

FITZPATRICK, CELLA, HARPER & SCINTO
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/673908	GREEN JR	P 2495.14/PCT
FITPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 3801		
INTERNATIONAL APPLICATION NO. PCT/US99/07389		
I.A. FILING DATE 23 APR 99		PRIORITY DATE 23 APR 98
DATE MAILED: 22 NOV 2000		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Verified Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

- ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Vonda M. Wallade *V. Wallade*

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